

**SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY**

**PRESENT: HON. NICHOLAS W. MOYNE** **PART 52**

*Justice*

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JAMES NOVA,

Petitioner,

- v -

FIRE DEPARTMENT OF THE CITY OF NEW YORK, CITY  
OF NEW YORK

Respondent.

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INDEX NO. 158587/2022  
MOTION DATE N/A  
MOTION SEQ. NO. 001

**DECISION + ORDER ON  
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 001) 2, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43

were read on this motion to/for ARTICLE 78 (BODY OR OFFICER)

Upon the foregoing documents, it is

ADJUDGED that the petition is granted as follows:

The determination of respondent New York City Fire Department, dated June 30, 2022, terminating petitioner as a Fire inspector is vacated and annulled and petitioner is reinstated to said position with back pay from July 1, 2022, the date of termination; and it is further

ORDERED that respondent may submit a motion opposing petitioner's request for attorneys' fees within 30 days of entry of this decision and order; and it is further

ORDERED that if no motion is filed, then the portion of petitioner's demand for attorneys' fees is granted; and it is further

ORDERED that that portion of the plaintiff's action that seeks the recovery of attorney's fees is severed and the issue of the amount of reasonable attorney's fees that plaintiff may recover against the defendants FIRE DEPARTMENT OF THE CITY OF NEW YORK and CITY OF NEW YORK is referred to a Special Referee to hear and report; and it is further

ORDERED that counsel for the plaintiff shall, no sooner than 30 days from the date of this order and no later than 60 days from the date of this order, serve a copy of this order with notice of entry, together with a completed Information Sheet, upon the Special Referee Clerk in the General Clerk's Office, who is directed to place this matter on the calendar of the Special Referee's Part for the earliest convenient date; and it is further

ORDERED that such service upon the Special Referee Clerk shall be made in accordance with the procedures set forth in the *Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases* (accessible at the "E-Filing" page on the court's website).

This constitutes the decision and order of the court.

5/19/2023

DATE

NICHOLAS W. MOYNE, J.S.C.

CHECK ONE:

<input checked="" type="checkbox"/>	CASE DISPOSED	<input type="checkbox"/>	DENIED
<input type="checkbox"/>	GRANTED		
<input type="checkbox"/>	SETTLE ORDER		
<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN		

<input type="checkbox"/>	NON-FINAL DISPOSITION	<input type="checkbox"/>	OTHER
<input checked="" type="checkbox"/>	GRANTED IN PART		
<input type="checkbox"/>	SUBMIT ORDER		
<input type="checkbox"/>	FIDUCIARY APPOINTMENT	<input type="checkbox"/>	REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: